

## Chapter III

### THE SECOND YEAR: A PERIOD OF ADJUSTMENT

In one of his first acts as Chairman, Roland Clement wrote a letter to General Clarke describing his perception of the basic problem facing the Corps and the EAB:

I would stress again that the problem seems to me more one of philosophical outlook than of specific expertise, although all of us have far to go in objectifying and quantifying the environmental parameters we are concerned about. Since we are essentially involved in trying to optimize human welfare, we will need to clarify our concept of man, and join in redefining national policy to achieve agreed-upon goals. Neither of us is a mere servant of the State, but, rather, we share in spearheading the direction of the State. In short, you can and must influence the Congress as strongly as they influence you through their directives. I hope we can be helpful to you in this difficult but important step.<sup>1</sup>

A significant point which Clement had tacitly raised was the responsibility of Congress to protect the nation's environment. EAB members, unlike some environmentalists, had had an opportunity to see the ways in which congressional politics could impede the spirit—if not the letter—of the law on specific projects. Even more significant, in refocusing attention on basic underlying assumptions rather than on the details of projects, Clement provided a healthy reorientation for the EAB, for it was easy to become mired in the complex of projects and issues then facing the Corps. Clarke agreed and, in response to Clement, noted, "We must understand each other's abilities, limitations and points of view. We do have the opportunity to influence the Congress and we always seek to do so with the facts. Separating what is factual and what is opinion in light of the interest currently focused on environmental matters is no simple task."<sup>2</sup>

No sooner had Clement assumed the Chairmanship than a few incidents occurred which seemed to confirm the worst suspicion of the EAB, that Clarke's message about increased environmental sensitivity was not getting through to his staff. In one case, Colonel Richard L. Hunt, Chief of the Public Affairs Office, OCE, addressed the members of the Contract Construction Course at Fort Belvoir, Virginia. Entitled "Our Public Relations Crisis," the speech suggested that Corps personnel were losing self-confidence because of attacks by environmentalists. Hunt encouraged Corps people to think positively and be proud of their achievements. However, the speech implied that the stereotyped adversary relationship between the Corps and the environmental community still existed: "When the advocates of non-development attack us and our programs, . . . we should be able to count on

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1971-1974**



the support of more community elements than they. The reason we don't is that we have not consolidated our positions of strength. Instead, we have allowed our attackers to seize them from us by imaginative mobile, penetrative assaults both overt and covert."<sup>3</sup>

Colonel Hunt's speech aggravated Clement. "We will never get together," he wrote, "on the Corps' environmental performance if key people like you continue to see these differences as 'PR crises'. No amount of PR will alter the environmental crisis which is the real root of our problem."<sup>4</sup> Clement's annoyance was understandable, as Hunt conceded in a letter to the Chairman. Nevertheless, Hunt pleaded, one must put his comments in the context of an embattled Public Affairs Office, besieged by "a mounting crescendo of criticism which varied from somewhat objective to extremely vicious and emotional."<sup>5</sup> The public affairs chief likewise agreed that his talk was defensive, but asked whether Clement would have approved his going on the offensive as many in the Corps were "sorely tempted" to do. He denied trying to maintain the Corps' adversary relationship to the environmental community: "As far as my taking an adversary stand is concerned, the problem by definition is one of dealing with people who have set themselves up as adversaries to us."<sup>6</sup>

Two other cases of insensitivity to public concern involved District Engineers. At the end of March, Colonel Vernon W. Pinkey, District Engineer at Tulsa, attacked opponents of the Gillham Dam project, which had

been halted by a federal court injunction until satisfactory impact studies had been completed. Pinkey asked the Chamber of Commerce of DeQueen, Arkansas, to organize a local group in support of the Gillham project. At the same time, he admonished, "Don't start a fight with the conservationists. It won't pay off. Forget it."<sup>7</sup> Aside from the impropriety of appearing as an advocate of a project, something which Clement did not mention, Pinkey made it appear that the opponents had stopped the project, not that a federal judge had issued an injunction because he felt that the Corps had not satisfactorily performed its job. In a bit of understatement, Clement advised, "it was certainly unnecessary and very impolitic to attack the opponents of the project."<sup>8</sup> The other case involved Jacksonville District Engineer Colonel Avery S. Fullerton, who called President Nixon's decision to halt construction on the Cross Florida Barge Canal "a bum decision."<sup>9</sup> "It should be suggested to him," Clement recommended, "that he needs to roll with the punch when the President of the United States intervenes in a decision."<sup>10</sup>

Clement's letter created a stir at the Office of the Chief of Engineers. The evidence was irrefutable and clearly counter to the image of the Corps that General Clarke was trying to project. The Chief, however, chose a low-key approach in answering the letter. He described the comments of his public affairs chief and the two District Engineers as "apparently injudicious," and he reaffirmed his desire to "redirect this sense of identification and enthusiasm to lines which we have agreed more closely reflect the general public interest."<sup>11</sup> Nonetheless, it was obvious that many Corps employees were not going to let go of old ideas and values easily.

The frustrations and disappointments of EAB members came to a head at the meeting held in Washington, D.C., on 10-11 June 1971. Almost immediately, Clement questioned the Board's actual contribution to the Corps. The decentralized structure of the Corps, he thought, impeded the Board's efforts. He also expressed concern about the continuing public impression that the Corps sought projects and promoted growth for its own sake. Clement and Pough agreed with Foster on the need for more open and public involvement in project planning.

Stoddard turned the Board's attention to the subject of local advisory boards. He thought such boards must be independent of the District office and possibly of the Corps itself. He also broached once more the idea of an appellate review board at OCE level. Reflecting the view expressed by General Clarke several months earlier, Caldwell wondered whether a "truly representative group of people could be found for a District review board." Finally, Stoddard took another shot at the *Environmental Guidelines*, denouncing them for not reflecting the views of the Board. He recommended that the Board not associate itself with the guidelines in its existing published form.<sup>12</sup>

In reply, Clarke emphasized the Corps' responsibility to respond to "the needs of growth." He also maintained that the Corps had developed an efficient review process which met all current requirements.<sup>13</sup> Beyond that, it

was evident that the Board would not be able to persuade Clarke to delegate his authority to agencies over which he would have less than complete authority. In sum, there still existed a gap between the somewhat idealistic goals of the Board and the practical bureaucratic limits beyond which the Corps could not go.

Stoddard's outspokenness increased during the coming months, causing problems which achieved the dubious distinction of receiving White House attention. On 18 June 1971 Stoddard wrote a long letter to General Clarke in which he attempted to evaluate the first year's work of the EAB. The document amounted to a broad indictment of the Corps' response to Board actions and recommendations. The general thrust was that, rather than offering specific responses and actions, the Corps had simply engaged the Board in meaningless discussions or provided inconsequential draft papers. Again Stoddard articulated the Board's frustration with the decentralized Corps organization and emphasized, "Of first importance is establishment of an independent appellate body with veto power over environmentally harmful federal projects. . . ." He accused St. Paul District and North Central Division of undermining the Board's efforts in the case of the La Farge Dam project on the Kickapoo River. Instead of forming an independent review panel to make recommendations, the District and Division Engineers had pressed the Wisconsin governor himself to conduct the review and had "put him on the political spot by encouraging further pressure for construction from the local people with the most to gain." Stoddard's pessimism was evident throughout his letter. "I must reluctantly conclude," he wrote, "that healthy change in direction and in structure results only from external pressures and criticism because of the internal momentum to continue to do what is familiar, because of natural human resistance to criticism and fear of courting political trouble. . . . In view of our near zero batting average, I am fearful that the Board's existence may be giving the Congress and an anxious public an impression of progress when there is precious little." In a post-script, the former Chairman urged the establishment of a Department of Natural Resources that included the civil works functions of the Corps of Engineers: "The time has come for a transfer of this civilian function from a para-military one and for separating planning from construction in the same agency."<sup>14</sup>

On 16 July 1971, Clarke responded to Stoddard's letter. Naturally, he perceived the Corps' activities differently; he was convinced that the Board had had a "positive impact." Its comments and suggestions had been extremely helpful in the preparation of the *Environmental Guidelines*. Furthermore, OCE had exerted great effort to change the direction of field offices; and, Clarke stated, "considering the many problems and obstacles they face, I think for the most part they are doing a good job." Stoddard's interpretation of Corps actions relating to La Farge Dam, Clarke ventured, was colored by his "adversary view. . . . the Corps is not an adversary but an agency of public service; not an arbiter but an evaluator; not a promoter but a professional."

Not surprisingly, Clarke had "a fundamental difference in views with respect to the establishment of an independent appellate body with veto power." His opinion was that the recommending agency should comply with existing laws and follow appellate procedures which had already been established. Finally, Clarke noted Stoddard's reservations about staying on the Board and graciously closed, "If you decide to stay with us, we will be happy to have you."<sup>15</sup>

Clarke's tactful reply hardly revealed his true temper. He was, as he later admitted, "miffed" to see Stoddard's letter quoted in James Reston's syndicated column on the same day he received it.<sup>16</sup> Stoddard had never been reluctant to publicize his disagreements with the Corps, but this latest revelation elicited a response from unanticipated quarters. On 9 July Colonel Werner received a call from John Dressendorfer, Special Assistant to the Secretary of Defense. He asked several questions about "Stoddard's problems with the Corps." The inquiries, it turned out, did not emanate from Secretary of Defense Melvin Laird "but from the White House," specifically from "Clark MacGregor, apparently a legislative advisor to Mr. Nixon and a former opponent of Humphrey."<sup>17</sup> Evidently, additional queries came from the Secretary of the Army's office. Werner told Colonel James L. Kelly, assigned to Secretary Robert F. Froehlke's staff, at the end of August that Stoddard was a "'hip shooter' and very vocal." Werner also mentioned that Stoddard did not always work well with his fellow Board members. "The Corps is not comfortable with him as he has created a number of difficult situations for the Corps—but he does effectively represent one point of view." Werner cautioned against forcing Stoddard off the Board, as Stoddard "would make a big stink in the press and could place the Chief of Engineers in an awkward position." However, he admitted that the Corps would be "most receptive" to Stoddard's removal at the end of the normal two-year term.<sup>18</sup>

No one was going to "fire" the contentious Stoddard, but few Corps employees were anxious to dissuade him from resigning. Stoddard himself was uncertain what to do. At one point he appeared eager to rehash all his old arguments at the next Board meeting.<sup>19</sup> "I felt the appropriate way to continue the dialogue would be directly," he wrote to General Clarke in explanation of why he had waited months to reply to Clarke's letter. However, he regretted that other commitments prevented his attending the upcoming EAB meeting. In any case, an apparently irreconcilable impasse had developed between Clarke and Stoddard, who wrote, "I am now convinced that an independent appeals system involving the Council on Environmental Quality is the only way to restore public confidence." Finally, Stoddard informed Clarke, "I shall look forward to receiving a report of the next meeting, and will at that time let you know whether my continued membership on the Board will be mutually beneficial."<sup>20</sup> With exasperation, Clement, who had grown increasingly weary of his predecessor's pessimism, said, "He wants to see what rabbits I am going to pull out of the hat."<sup>21</sup> In effect, Stoddard no longer participated in the EAB, and he resigned on Earth Day, 22 April 1972.<sup>22</sup>

At the Louisville meeting of the EAB on 28-29 October 1971, General Clarke reiterated his view that the Board "is making a real contribution ... particularly so in the area of environmental impact statement preparation." He admitted that the Corps was still trying to improve its environmental analysis; but at the same time Clarke felt that the Council on Environmental Quality (CEQ) had not furnished enough guidance. In the case of the controversial Tennessee-Tombigbee Waterway, almost \$1 million was being spent on environmental studies.<sup>23</sup>

In his opening remarks to EAB members, Clement talked about the "honeymoon period of getting to know each other" being over. He praised the public participation program of the Corps and commended Seattle District for its open planning.<sup>24</sup> Then Clement suggested areas of greater public involvement. One was in the preparation of environmental inventories. Another was in exerting greater influence on general policy statements. This latter recommendation echoed General Clarke's earlier guidance, but it was especially welcome coming from the Chairman of the Environmental Advisory Board.<sup>25</sup>

The Board endorsed and supported the preparation of area environmental reconnaissance inventories. Clement in particular was enthusiastic about the project. When the Environmental Assessment Work Group had been established at OCE in mid-1971 to plan for the development of environmental inventories, he had assumed the responsibility of providing coordination between the work group and the EAB. He offered advice to the group and, equally important, publicized its activities.<sup>26</sup> Clement worked closely with David Aggerholm of IWR and Lieutenant Gerard Bertrand of OCE, two people whose efforts contributed most to the success of the enterprise.<sup>27</sup> While the inventories were actually being prepared, Clement invited environmental organizations to help, emphasizing the potential value of the work in identifying important environmental resources.<sup>28</sup> Eventually eight inventories were completed, using multicolored maps and extensive commentary to detail the cultural and natural resources of selected geographical regions. These oversized folios were published by OCE in the following sequence:

1. Provisional Environmental Reconnaissance Inventory of the State of Washington (January 1973)
2. Environmental Reconnaissance Inventory, Charleston District (February 1973)
3. Environmental Reconnaissance Inventory of the State of Vermont (March 1973)
4. Inventory of Basic Environmental Data, South Louisiana—Mermentau River Basin to Chandeleur Sound with Special Emphasis on the Atchafalaya Basin (September 1973)
5. Environmental Reconnaissance Inventory, North Carolina (December 1973)
6. Environmental Resources Inventory of the Lexington, Kentucky, Urban Area (September 1974)
7. Inventory of Basic Environmental Data, New Orleans-Baton Rouge Metropolitan Area (March 1975)

8. Environmental Resources Inventory of the Metropolitan Region of Nashville, Tennessee, and the Mid-Cumberland Development District (June 1976)

Seattle District updated and edited the provisional Washington State inventory with the support of the Institute for Environmental Studies of the University of Washington. Then it was published by the Government Printing Office in January 1975 as the *Washington Environmental Atlas*. This handsome publication received wide acclaim. One item which distinguished it was the mention of Sasquatch, or "Big Foot," who, if not mythical, was certainly an endangered species.

The National Environmental Policy Act (NEPA) became the focus of an agitated discussion at the seventh meeting of the EAB. General Koisch complained that minor issues seemed to stop many projects. A procedure was needed, he suggested, to throw out "nonsense items." Furthermore, the financial burden for project delays should rest on the plaintiff in the form of a reasonably high bond.

Clement was not sympathetic. He thought that the Corps' environmental impact statements were inadequate. Guidance sent to the field contained only procedural material and nothing of substance. If the Corps "did a proper job on the 102 statement [EIS] they would not be subject to injunctions. . . . the suits we have gotten seem to be because of poor or non-existent statements." The reaction to Clement's assertion was intense. Several Corps employees objected; and, although discussion was long, nothing was resolved. Clement offered however to assist the Corps in obtaining more explicit guidance from the Council on Environmental Quality.<sup>29</sup> Shortly after the meeting, Clement acknowledged to Clarke that he "may sometimes appear to be ungrateful for the progress all of you are making." Nevertheless, on the question of environmental impact statements he was adamant: "You must not let OCE staff assure you that present 102s are as yet adequate. . . . the challenge is to make these 102s truly helpful assessments of the trade-offs and alternatives so that the public will *know* that the Corps is willing to expose the options to public scrutiny rather than going along with the silence that can favor only special interests."<sup>30</sup>

Environmental impact statements remained the center of attention at the May EAB meeting. General Clarke summarized the legal challenges to these statements; and a copy of a speech by E. Manning Seltzer, OCE General Counsel, was distributed which analyzed ways in which environmental groups attempted to force the cessation or modification of Corps projects. At the time sixteen projects had been stopped through suits or court action.<sup>31</sup>

The EIS discussion focused on ER 1150-2-507, "Planning: Preparation and Coordination of Environmental Statements." This regulation, published on 3 January 1972, delineated the procedures and necessary interagency coordination which field offices were to follow in the preparation of impact statements. Clement reiterated his conviction that the new regulation required

more substantive material. One difficult obstacle to EIS preparation, several participants remarked, was the difficulty of assessing social impact. In response to a judge's comment that too much money had been spent on the Gillham environmental study, Clement asserted that the Engineers must continue to dedicate excessive money and manpower until they became as good environmentalists as they were engineers.<sup>32</sup>

In May 1972 two new members joined the Board. Dr. Lois Sharpe was a professional geologist and staff coordinator for environmental programs and projects for the League of Women Voters. Dr. Richard Backus chaired the biology department at the Woods Hole Oceanographic Institution. They filled vacancies created by the resignations of Stoddard and Foster. The latter had resigned at the last meeting because of new responsibilities resulting from his appointment to the state cabinet of Massachusetts.

By the end of the Board's second working year, a good relationship had developed between the EAB and the Corps. Members of the Board understood the advantages of working within the Corps and genuinely appreciated the Corps' efforts to keep them informed. More important, in the words of Clement, they had come to realize that the Corps "is more scapegoat than culprit in the current environmental controversy."<sup>33</sup> For its part, the Corps had come to value the constructive criticism—even the professional skepticism—with which EAB members greeted certain Corps projects and policies. In the words of General Clarke, the EAB "has been valuable in providing an environmental sounding board of proposed policies and actions of the Corps and has provided the perspective and perception needed to insure proper consideration of the environmental aspects."<sup>34</sup> In short, the EAB had proven its worth and could now devote complete attention to its function of helping the Corps protect and preserve the environment.